

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

UNITED STATES OF AMERICA	§	
	§	
vs.	§	NO: WA:12-CR-00044(4)-ADA
	§	
(4) ERIC GUERRERO	§	

ORDER ACCEPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Before the court is the above styled and numbered cause. On June 20, 2023 the United States Probation Office filed a Petition For Warrant or Summons For Offender Under Supervision for Defendant (4) ERIC GUERRERO, which alleged that Guerrero violated a condition of his supervised release and recommended that Guerrero 's supervised release be revoked (Clerk's Document No. 181). A warrant issued and Guerrero was arrested. On July 14, 2023, Guerrero appeared before a United States Magistrate Judge, was ordered detained, and a revocation of supervised release hearing was set.

Guerrero appeared before the magistrate judge on July 25, 2023, waived his right to a preliminary hearing and to be present before the United States District Judge at the time of modification of sentence, and consented to allocution before the magistrate judge. Following the hearing, the magistrate judge signed his report and recommendation on July 28, 2023, which provides that having carefully considered all of the arguments and evidence presented by the Government and Defendant, based on the original offense and

the intervening conduct of Guerrero, the magistrate judge recommends that this court revoke Guerrero supervised release and that Guerrero be sentenced to imprisonment for Sixteen (16) months, with no term supervised release to follow the term of imprisonment (Clerk's Document No. 193). It is recommended that the Defendant should also receive drug treatment from the BOP. The Defendant should receive credit for time served since his arrest on July 13, 2023.

A party may serve and file specific, written objections to the proposed findings and recommendations of a magistrate judge within fourteen days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. *See* 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court. *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en bane*). The parties in this cause were properly notified of the consequences of a failure to file objections.

On July 25, 2023, following the hearing on the motion to revoke supervised release, all parties signed a Waiver Of Fourteen Day Rule For Filing Objections To Report and Recommendation Of United States Magistrate Judge (Clerk's Document No. 192). The court, having reviewed the entire record and finding no plain error, accepts

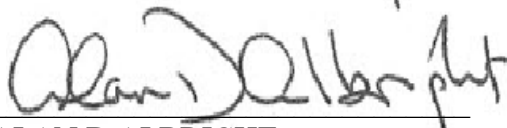
and adopts the report and recommendation filed in this cause.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge filed in this cause (Clerk's Document No. 193) is hereby **ACCEPTED AND ADOPTED** by this court.

IT IS FURTHER ORDERED that Defendant (4) ERIC GUERRERO's term of supervised release is hereby **REVOKED**.

IT IS FURTHER ORDERED that Defendant (4) ERIC GUERRERO be imprisoned for Sixteen (16) months with no term of supervised release. It is recommended that the Defendant should also receive drug treatment from the BOP. The Defendant should receive credit for time served since his arrest on July 13, 2023.

Signed this 8th day of August, 2023.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE